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Memoirs of Indian Wars And Other Occurrences

By the late Colonel Stuart, of Greenbrier. Sixth Paper.

Presented to the Virginia Historical and Philosophical Society, in 1835, by Ohas A. Stuart, of Augusta, son of the Narrator.

It is said that there is a book extant in this country with the title of "Smith's Travels in America," which was written in England, where the author reports that he was on the expedition in the year 1774 and that he joined the Augusta troops in Station. He gives a particular description of Mr Sampson Matthews tavern and family, who kept the most noted public house in town, and of the march of our army from Camp Union to Point Pleasant. He also gives an account of the battle and of Colonel Lewis being killed in the engagement. If such a person was along I am persuaded he was incorrect and a creature of Lord Dunmore; for I was particularly acquainted with all the officers of the Augusta troops, and the chief of all the men, but knew no such man as Smith. I am the more confirmed in my opinion from what General Lewis told me in the year 1779, that he was well informed that on the evening of the 10th of October the day of our battle, Dunmore and the noted Doctor Connelly, of very memory, with some other officers, were taking a walk, when Dunmore observed to the gentleman that he expected by that time Colonel Lewis had hot work. This corresponds with my suspicions of the language of M'Collough, who promised as "grind" Had not M'Collough seen the Indians coming down the river, and on the evening before the battle, they could not have known the strength of our army, or the amount of our troops so correctly as they certainly did; for, during the battle, I heard one of the sentinels, with abusive terms in English, that they had eleven hundred Indians and two thousand soldiers. The same boast was vouched for on the opposite side of the river, in the hearing of most of our officers and men who occupied the Ohio bank, during the battle. As the number mentioned, eleven hundred, was precisely our number, and the expectation entertained by some, that Colonel Christian would come on with two thousand more, the intelligence must have been communicated to the Indians by the Governor's scouts; for there could have been no other means of conveying such exact information to them. Colonel Christian had but three hundred men, including the companies of Shelby, Russell and Harbison, when he arrived at our camp. Having finished the entrenchments and put every thing in order for securing the wounded from danger after the battle, we crossed the Ohio River on our march to the Shawanese towns. Captain Arbuckle was our guide, who was generally esteemed as a soldier and a fine woodsman. When we came to the prairie, on Killisic creek, we saw the smoke of a small fire in the town, which was deserted and set on fire at our approach. We were met an express from the Governor's camp, who had arrived near the nation and proposed peace to the Indians. Some of the chiefs, with the Grenadier company, on the return of the Indians after their defeat, had repaired to the Governor's army to solicit terms of peace for the Indians which they proposed they had no doubt of obtaining. The Governor would them than the war

THE MONROE CONTEMPT CASE.

From The Charleston Gazette.

Hon. Andrew Price, of Pocahontas, a candidate for the national house of representatives from this district, a man considered one of the most conservative within the ranks of the party, said last evening, when talking on the question of an extra session of the legislature:

"The tax laws of West Virginia years ago were universally regarded as inadequate and not up to the standard of a state that has developed as rapidly as this one. Governor Dawson realized this as every man of sense in the state did. He has had three sessions of the legislature to remedy these defects, and each pass that he has made at them has worsened the state, and I think his most ardent supporters will acknowledge this. I do not wonder that he wishes the opportunity to try his hand again. Every good citizen of this state hopes that he will succeed with the coming session to a greater extent than he has done in the past.

"I regard this measure as a desperate means to right the republican party before the people and as the Lord liveth, I hope to see them succeed, but I have serious doubts that the state will bear this extra session as leniently as they did with the session of 1904, when Governor Dawson, as nominee of the republican party, fished his all upon the action of the mid-summer session.

"In the words of Bret Harte, I might add that 'A Lallacooler can only be played once in a game.'

"We are in the midst of a great uncertainty, and all public acts are being moved with caution; this is not the time to deal in new ideas, we should be content to leave well enough alone."

SPECIAL RECEIVER'S SALE.

Of Valuable Timber and Saw-mill.

Pursuant to a decree of the Circuit Court of Pocahontas County entered on the 8th day of November 1907 in the chancery cause of C. L. Moore and others, Plaintiffs vs Edwin Fatchin and others, Defendants, therein pending, the undersigned Special Receivers in said cause will on the

23d, day of December 1907.

At one o'clock p. m. at the saw-mill belonging to the estate of Edwin Fatchin on the C. L. Moore farm on Browns' Creek in Pocahontas county sell the following described valuable property to-wit:

First—All the standing timber that was conveyed by C. L. Moore to J. D. Gochensour on the 10th day of December 1904 and situate on the C. L. Moore farm on Browns' Creek in Pocahontas county and the following described valuable property to-wit:

Second—One saw-mill plant complete, consisting of One 25 H. P. Farquhar engine and boiler, and one Guiter Saw-mill and fixtures complete.

Said Special Receivers will sell said timber and mill both separately and together and which way this property brings the most money will be confirmed as the sale.

Terms—One third Cash in hand on day of sale and for the residue, purchaser executing his bonds with approved personal security, in equal installments falling due in six and twelve months from day of sale with interest from date.

ANDREW PRICE,
F. R. HILL,
Special Receivers.

Fisherman's Luck.

Fishing stories are always in order. A man who was enjoying great sport with the fine trout at Rush Lake, Minn., went to the telegraph office and wired his wife as follows: "Five got one; weighs seven pounds and it is a beauty." In reply came the following, signed by his wife: "So here it weighs ten pounds; he isn't a beauty; looks like you."—Argonaut.

of a jury, and thereupon the court upon consideration doth find the defendant guilty as charged in the indictment, and fixes his fine at \$50, and it is therefore considered by the court that the defendant, A. S. Johnston, do pay the sum of \$50 and the costs of these proceedings.

—Copy Text.

"J. MAYS, Clerk."

The court in passing upon the matter, and before signing the order, made the following statement:

"I have only a few words to say about this matter. Since I have been on the bench I have never had a case that embarrassed me more. I want to maintain the dignity of the bench, and I am glad that the able counsel, who represent the defendant and the state, can get together on this matter. I have never felt unkind as to any defendant whose case was to be tried before me. If I thought I did, I would not try his case. I do want to do my whole duty and this case has given me no little worry. I am not acquainted with the defendant, and I think if I had been, those publications would not have been written. I have tried to be fair to everybody and if I had any feeling in this case personally, I would not try it. I would not let it be submitted to me. I only want to do what I think is right, and to maintain the dignity of this court. I know how people make mistakes—I know that it is not uncommon for newspaper men to make mistakes. The publication here was surely libelous and certainly was in the nature of a contempt against this court. I could not construe it any other way; but I was not the only one attacked, and no court could have a kinder feeling for the bar than I have and always have had. I have tried to treat every lawyer's case conscientiously and give it the very best attention; and if the bar and the court do not have a kind feeling for each other it is a bad state of affairs. I have the highest regard for counsel practicing before me and it is my duty to protect counsel. This government is the best legacy that we can leave to our people, and we can't leave them a good government if good faith does not exist between court and bar. The most embarrassing feature of this case was the libelous attack on Mr Osenton as a counsel at this bar. I have always tried to protect counsel in every way I could, and if there is a man in the State who knows Mr Osenton, I do, and I have never had a more courteous attorney before me. He has never sought to take advantage of me in any case; or to contend for a thing that was wrong. He has never tried to deceive the court. Whenever an attorney attempts to deceive the court he always winds up by deceiving himself. A court ought to be absolutely fair and impartial in every case that comes before him, and ought to protect the officials of the court and each lawyer at the bar over which he presides.

"I had occasion in Pocahontas county to sentence a man, who had assaulted the deputy sheriff of the county, to five years in the state prison; and I sent another man to the county jail for a year and fined him \$100 for assaulting a juror who had sat on a case against his brother; and I have always tried to protect the officers in my jurisdiction and to maintain the dignity of the bench and of the bar. And if any person charges anything corrupt against the court, he should prove what he says; because a great many people who see an article in the newspapers or publications, will assume that it is correct; and when the people of the country lose respect for the judiciary the government is impaired. It strikes at the very soul of the government. It strikes at the very soul of the government. It is a very serious condition. I never did a person an injury and I have not been corrupt on the bench. I know I have not been corrupt and I do if any man or woman accuses a time when I have been in the least corrupt; and I have never

Trustees Sale

Pursuant to authority vested in me by an order of the circuit court of Pocahontas county entered on the 7th day of November 1907 appointing me trustee in the place and stead of G. R. Richardson who was made trustee in a certain deed of trust executed by Lottie McNeil and J. R. Painter, dated October 9, 1906, recorded in the office of the clerk of the county court in Trust Deed book No. 4, page 216, and granting a certain tract of land situated on the west side of Greenbrier river in Pocahontas county, West Virginia adjoining the lands of Clabe Morrison and others, and in the same lands conveyed to the said Lottie McNeil by Ed Aldridge and wife by deed of record in said Clerk's office in Deed book No. 40, page 282. Said deed of trust is to secure the payment of two negotiable notes, both dated October 9, 1906, one for \$300.00, payable to C. W. Osenton and one for \$100.00 payable to Andrew Price, due six months after date and engaged by said Lottie McNeil and J. R. Painter, and default having been made in the payment of said notes and a sale being demanded by the holders thereof. I will offer for sale at public auction to the highest bidder, at the front door of the court house of Pocahontas county in Marlinton, West Virginia, on December 10, 1907 the tract of land above described, belonging to said Lottie McNeil.

Terms: Sufficient cash to pay cost of the trust and expenses of sale and the balance due six months from day of sale, the purchaser executing his negotiable note for same with approved endorser, and title to the said property to be retained as ultimate security.

T. S. McNEEL, Trustee.

State of West Virginia,
Pocahontas County, to-wit:

At rules held in the office of the Clerk of the Circuit Court of Pocahontas County, West Virginia, on the first Monday in November, 1907.

George Craig & Sons, a corporation
Plaintiffs

vs.

E. V. Dunlevie, Flint, Erving and Stoner Lumber Company, a corporation, and T. S. McNeel
Defendants

The object of this suit is to recover of the defendant, E. V. Dunlevie, the sum of \$1215.38 due from him to the said George Craig and Sons and to subject to the payment of the same by foreign attachment any property of the said Dunlevie which may be found within the state of West Virginia, and any sums of money due or owing to him from the said Flint, Erving & Stoner Lumber Company.

This day came the plaintiff by its attorneys and on their motion, and it appearing by affidavit filed that the defendant E. V. Dunlevie, is a non resident of this State, it is ordered that he do appear within one month after the first publication hereof and do what is necessary to protect his interest in this suit.

Teste:
J. G. TILTON, Clerk.
Davis & Davis, Price, Osenton & Mepeak, Sol.

Success.

Success is an ancient game of chance in which the chances are all against the player. The winners are few and the losers are many. There are also a few other things like character that count a little. The rules of the game are very strict. Cheating is not allowed if discovered. Some have played according to rules, and even been successful, but not as we speak of success to-day.—Life.

Still Mourn Gen. Wolfe.

One British regiment has been mourning for nearly a century and a half. This is the old forty-seventh, the Loyal North Lancashire regiment. The officers wear black blended with the gold braid in memory of Gen. Wolfe, who was killed at Quebec.

Be Yourself.

Insist on yourself; never hesitate. Your own gift you can present every moment with the cumulative force of a whole life's cultivation; but of the adopted talent of another you have only in extemporaneous but useless show.—Emerson.

EXTRA SESSION

Of the Legislature.

Governor Dawson has issued a call for an extra session of the legislature to convene Tuesday, January 21.

The governor has not issued his proclamation for the extra session. As is well known under the constitution, an extra session called by the governor, can legislate on such subjects only as are specified in the call. The formal proclamation will be issued in a few days, but it is known that the governor will include in the call as subjects of consideration by the special session, as follows:

Regulating and limiting the territory county courts, municipal corporations, and boards of education.

Submitting such amendments to the constitution as the legislature may see fit.

Payments of salaries to county officers and providing that all fees collected shall be paid into the county treasuries.

Safe-guarding the investment of sinking funds of counties, municipal corporations and districts.

Amending election—especially the enactment of a corrupt practice act, a better registration law, and a better form of ballot. The governor desires the whole election law revised, a most thorough and stringent corrupt practice act passed, and the present very lame registration law amended.

A general law concerning elections for voting bonded indebtedness, by counties, municipal corporations, and districts, so that they may be held, especially to refund outstanding bonds at a lower rate of interest, without having special enabling acts passed.

Amend law concerning salaries of assessors.

Amend the social club license law, or repeal it.

Pass a local option law. The governor favors a vote every two years on the question of whiskey license in every incorporated city, town or village, and out side of them in the smallest political division practicable.

Revision of the school law.

Considered the Virginia debt. No limitation will be placed on the legislature in this respect at least.

Pass bills raising committees or commissions to investigate subject of legislation, and report to the next session.

A uniform public accounting law.

It is probable that other subjects will be added when the governor issues his proclamation. It is known that he is exceedingly anxious to get proper and efficient legislation regulating the laying of levies for taxation the limiting of such levies, and revising the whole law concerning the issuing of country orders, their payment, and the payment of interest on them, so as to simplify and put on a business basis the fiscal affairs of the counties, as well as of cities, towns and villages, and boards of education, so as to avoid the illegal creation of debts; and prevent extravagance, waste of public money and graft.

It may be said also that the governor strongly favors the payment of straight salaries to county officers, instead of fees. He thinks this ought to be done at this session, before these officers enter upon a new term, and so that candidates for such offices may know what to expect. The governor, therefore, has felt compelled to put this subject in his call, although it is the policy to leave out everything that would tend to create violent antagonisms in the legislature or appeal to factional differences, and he desires a harmonious and business like session.

Woman's Triumph in One Line.

The woman who first taught school a hundred years ago was a slender, timid creature, who promised to "shut her eyes" and depart to a prominent branch of education. Today there are nearly 200,000 more women teachers than men.